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BOOK REVIEWS.

LAW AS A MEANS TO AN END. Rudolph von Ihering. Translated from the German by Isaac Husik, Lecturer on Philosophy in the University of Pennsylvania. Modern Legal Philosophy Series V. Boston Book Co., Boston, Mass. 1914.

The most recent contribution to the series of translations of continental master-works on legal philosophy, edited by a Committee of the Association of American Law Schools, is the first volume of "*Der Zweck im Recht*," by Rudolph von Ihering, translated under the title of "*Law as a Means to an End*."

"The fundamental idea of the present work consists in the thought that purpose is the creator of the entire law, that there is no rule which does not owe its origin to a purpose, *i. e.*, to a practical motive." In these words, we have the kernel of von Ihering's philosophy of the law.

Social evolution started with the egoism in man, that egoism which "desires nothing for the world but everything for itself alone." And man was brought into the service of society and induced to minister to its ends by taking egoism into its service and paying it the reward which it desired. In doing this, society used its social levers: reward, which plays its chief role in economics, and coercion, which when organized constitutes the state and law. Society is "the realization of the truth of the principle 'every one exists for the world and the world exists for everyone.'" It insists on the observance of its social rules by inflicting on those who disregard them pains and penalties. And behind it, in the very last instance, stands the physical force of the community, directly exercised, where necessary, in the person or property of an individual. By thus serving itself, egoism has been transformed into social ends, and the material for the legal structure has been produced.

"Law is the political mechanism for realizing the coercive norms (abstract commands) recognized by the state as binding absolutely." Such is its form. Its standard is not the absolute one of truth; its problem is not to realize truth absolute. But its standard is the relative one of purpose. "The entire law is simply one creation of purpose, except that most of the particular creative acts reach back into such a distant past that humanity has lost remembrance of them." Its purpose, in the main, is to secure the conditions of social life by the power of the state.

This purpose concept of law is applied by the author to contract, property, inheritance,—in fact to all sorts of legal questions; and the thread of the argument is logically and, in a most pleasant vein, by apt illustrations followed to its conclusion.

This conception of law should appeal to the present day readers of law and philosophy, particularly as there is at present a demand for a reform of the law. By applying the purpose idea to the particular principle of law as it is attacked, we can come to the conclusion whether or not that particular law really serves our ends. If it does not, a change should not be opposed on any ground such as that the rule of law in question is sacred and should, therefore, be entirely exempt from any criticism or attack by the people. No rule of law is sacred; it must fulfill its purposes or be reformed so that it does.

N. I. S. G.